

**United States Bankruptcy Court  
For The Western District of Texas  
San Antonio Division**

IN RE:	§	
	§	
Golf Vista Heights, L.P.,	§	Case No. 14-50394-King
	§	
Debtor	§	Chapter 7

**Motion to Sell Real Property in San Antonio,  
Bexar County, Texas to Vistancia Custom Homes Free and Clear of Liens**

TO THE DEBTOR, ITS CREDITORS AND ALL OTHER PARTIES IN INTEREST:

John Patrick Lowe, the Trustee in this case, makes and files this Motion, and in support of it respectfully represents to the Court as follows:

1.

Movant is the Trustee in this Chapter 7 proceeding. The case was commenced on February 7, 2014 as a Chapter 7 proceeding and since that date has remained pending under that Chapter. This Motion is filed by right of 11 United States Code §§ 363 and 704, Federal Rule of Bankruptcy Procedure 6004 and Local Rule 6004.

2.

The Debtor depicts in its amended Schedule A at docket number 15 as assets of the bankruptcy estate unimproved real property assets commonly known as 5627 Golf Mist, 5722 Golf Heights, 5738 Golf Heights, 5742 Golf Heights, 7211 Golf Way, 7215 Golf Way, 7227 Golf Way, 7231 Golf Way and 5623 Golf Mist and a drainage easement, all in San Antonio, Texas. The legal descriptions are CB 5080T Woodlake Golf Vista, Block 121, Lots 1, 2, 5, 6, 33, 37, 38, 43, 44 and 901, Bexar County, Texas. The Debtor discloses no liens, other than ad valorem tax liens, against that real property. The Debtor places a valuation of \$18,000.00 on each of these

lots. The year 2014 Bexar Central Appraisal District valuations of these lots are \$23,300.00 each.

**3.**

The Trustee sought and obtained leave of Court to employ Mel T. Davis as the real estate broker for the estate to assist the Trustee in the liquidation of those assets, the only known material assets in the estate. See docket entries 12 and 17.

**4.**

The Broker for the estate listed the assets for sale and obtained a contract to sell those assets to Vistancia Custom Homes for the total amount of \$126,000.00. A copy of that contract is attached to this Motion as Exhibit "A".

**5.**

The Trustee moves for authority to sell that real property to Vistancia Custom Homes for the amount of \$126,000.00 under the terms and conditions of the attached contract. The sale should be free and clear of any and all liens, claims, security interests and encumbrances except year 2015 ad valorem tax liens, with all of those matters, except year 2015 ad valorem tax liens, to attach to the sales proceeds. The sale is subject to year 2015 ad valorem tax liens which will be prorated at closing between the Trustee, as seller, and the purchaser, as purchaser.

**6.**

The Trustee also moves that the 6% real estate broker's commission and the other costs of sale required by the contract to be paid by the Trustee be allowed as expenses of the administration of the estate and that the Trustee be authorized and directed to pay those costs of sale at closing but only from the sales proceeds.

**7.**

The Trustee doesn't yet know whether this sale will create a federal income tax liability for the estate.

8.

The Trustee also moves for leave to execute, acknowledge and deliver any instrument or record necessary to consummate or memorialize this sale.

WHEREFORE, premises considered, the Trustee requests that the Court enter an Order granting this Motion, and for such other and further relief, at law or in equity, as to which he may be justly entitled.

DATED: March 30, 2015.

Respectfully submitted,

  
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**Certificate of Service**

This is to certify that a true and correct copy of the above and foregoing Motion to Sell Real Property in San Antonio, Bexar County, Texas to Vistancia Custom Homes Free and Clear of Liens, and the proposed Order, have been served on the parties on the attached Service List, by First Class mail, postage prepaid; by the CM/ECF system; or by electronic mail on this the 30th day of March 2015.

  
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Patrick Lowe